

**Notice of Allowability**

Application No.

10/820,894

Examiner

Alexander J. Kosowski

Applicant(s)

BAUER ET AL.

Art Unit

2125

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed 4/8/04.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 4/8/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

- 1) Claims 1-10 are presented for examination.

**EXAMINER'S AMENDMENT**

- 2) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment; it MUST be submitted no later than the payment of the issue fee.

- 3) The application has been amended as follows:

Referring to claim 9, line 1, the phrase "The c method" should be changed to read --The method--.

***Allowable Subject Matter***

- 4) Claims 1-10 are allowed.

The following is an examiner's statement of reasons for allowance:

Referring to claims 1-10, the closest prior art is Aisa (U.S. Pat 6,873,876), Araki (U.S. Pat 5,844,796), and Huffington et al (U.S. PGPUB 2002/0069460). Aisa teaches an appliance control system for a washing machine comprising a main controller with multiple memories capable of having custom programs installed to assist basic functionality. Araki teaches a control system with a rewritable memory. Huffington teaches a spa control system which utilizes a control panel to communicate with a microprocessor.

However, referring to claim 1, Aisa, Araki and Huffington, alone or in combination with each other or the prior art of record, do not explicitly teach a control system for a plumbing fixture comprising first and second microprocessors and first and second memories, whereby a

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first software program is executed by the second microprocessor to process commands from an input device and whereby a second software program used to operate components is transferred from the second to the first memory upon activation of the control system, in combination with the remaining elements or features of the claimed invention.

Referring to claim 8, Aisa, Araki and Huffington, alone or in combination with each other or the prior art of record, do not explicitly teach a method for controlling a whirlpool tub comprising providing first and second microprocessors and first and second memories, whereby a first software program is executed by the second microprocessor to process commands from an input device and whereby a second software program used to operate components is transferred from the second to the first memory upon activation of the control system, in combination with the remaining elements or features of the claimed invention.

Referring to claims 2-7 and 9-10, the claims are dependent on allowable independent claims, and are therefore allowable.

5) Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

6) Although not utilized in any office action, Examiner wishes to add several pieces of related prior art to the record. These have been noted on the attached PTO-892.

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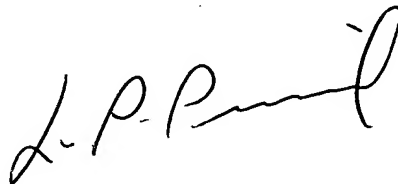
7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander J Kosowski whose telephone number is 571-272-3744.

The examiner can normally be reached on Monday through Friday, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. In addition, the examiner's RightFAX number is 571-273-3744.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Alexander J. Kosowski  
Patent Examiner  
Art Unit 2125



**LEO PICARD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**